

HOUSE BILL REPORT

HB 1060

As Reported by House Committee On:
Select Committee on Hood Canal

Title: An act relating to aquatic rehabilitation zones.

Brief Description: Establishing an aquatic rehabilitation zone on Hood Canal.

Sponsors: Representatives Eickmeyer, Appleton, Chase, McCoy, Moeller, Haigh and McIntire.

Brief History:

Committee Activity:

Select Committee on Hood Canal: 1/19/05, 1/20/05 [DPS].

Brief Summary of Substitute Bill

- Establishes an aquatic rehabilitation zone for watersheds draining into Hood Canal.

HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Appleton and Chase.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Sump and Walsh.

Staff: Caroleen Dineen (786-7156).

Background:

Hood Canal is a glacier-carved fjord approximately 60 miles in length that includes approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs in Puget Sound. The Hood Canal Coordinating Council (HCCC) is a group of county and tribal governments established to address water quality problems and natural

resource issues in the Hood Canal watershed. In May 2004 the PSAT and HCCC prepared a report - the *Preliminary Assessment and Corrective Plan* (PACA) - assessing sources of nitrogen introduced into Hood Canal. The PACA identifies six major categories of human-influenced nitrogen sources for Hood Canal and specifies recommendations for corrective actions for these six major categories.

Research and monitoring related to Hood Canal's low dissolved oxygen concentrations is being conducted. The Department of Ecology has a marine waters monitoring program that includes testing stations at various locations on Hood Canal. The University of Washington has a Puget Sound Regional Synthesis Model (PRISM) program, which involves testing at numerous Hood Canal stations. In addition, Hood Canal monitoring and research are also being conducted by the United States Geological Survey and various local agencies and organizations. Further, a group of 20 federal, state, local, and tribal agencies and nonprofit organizations have established the Hood Canal Dissolved Oxygen Program (HCDOP), a three-year effort to coordinate Hood Canal monitoring, analysis, and modeling results.

Summary of Substitute Bill:

Aquatic rehabilitation zones (ARZs) may be established by the Legislature for areas whose surrounding marine or fresh water bodies pose serious environmental or public health concerns. The first ARZ, known as ARZ one, is created for the watersheds that drain into Hood Canal. For the purposes of ARZ one, Hood Canal means the area south of a line projected from Tala Point to Foulweather Bluff.

If provisions in other statutes conflict with any statutory provisions governing ARZs, then the ARZ statutes will apply.

Substitute Bill Compared to Original Bill:

The original bill provided for the establishment of one ARZ to include all counties that surround Hood Canal. The original bill also specified that other statutory provisions not expressly applicable to ARZs would not apply to ARZs.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Original bill) Action on Hood Canal concerns has to be a priority. For years there have been indicators of problems; now the Hood Canal is in dire straits. Hood Canal is critical to the economy, culture, and lifestyle of the area. Action is needed now to avoid the loss of an aquatic wonderland and its indigenous species.

The bill is a good concept. The aquatic rehabilitation zone established in this bill recognizes the unique problems and challenges in the area and elevates the priority of addressing this problem. The bill allows the problem and its solution to be isolated and allows state and local governments to continue cooperative efforts to improve Hood Canal's low dissolved oxygen problem.

The solutions may take longer than expected. Action should be taken, but the Legislature should move ahead with caution. A range of options should be considered, such as sewage treatment improvements, native plankton propagation, and studies and monitoring. Actions should be based on the best available science.

(No position indicated) Elements critical to a Hood Canal solution may help to fill out this bill. These include construction of sewers in densely populated areas and implementation of good septic operation and maintenance programs in other areas. In addition, the Department of Health's authority to regulate based on environmental health concerns should be specified. Further, stormwater pollution should be addressed through conservation of both shoreline vegetation and forest lands. Finally, funding is an important component of the solution.

(With concerns) Concern and uncertainty exist regarding provisions that may be added to this bill as it progresses through the Legislature as well as this bill's emergency clause. Septic system improvements on Hood Canal may provide the most benefit relative to cost. The economic importance of the Hood Canal and the need to protect housing affordability must be recognized if amendments are considered.

Testimony Against: None.

Persons Testifying: (In support) Jim Jesernig, Pacific Coast Shellfish Growers; Frank Benavente, Hoodport Community Association; Neil Werner and Renee Rose, Hood Canal Salmon Enhancement Group; Glen Hemerick, Marine Science Society; and Fran McNair, Department of Natural Resources.

(No position indicated) Don Atkinson, North Mason Chamber of Commerce; Christine Daniel, Hood Canal Salmon Enhancement Group; and Bruce Wishart, People for Puget Sound.

(With concerns) Andy Cook, Building Industry Association of Washington; and Kristen Sawin, Association of Washington Businesses.

Persons Signed In To Testify But Not Testifying: None.